

Item SP04-24 Response Form

Title: Dissolution of the Judicial Branch Budget Advisory Committee and
Establishment of the Trial Court Budget Working Group (amend Cal. Rules of
Court, rule 6.11 and 6.620 and repeal and adopt rule 6.45)

☐ **Agree** with proposed changes

☐ **Agree** with proposed changes **only if modified**

☐ **Do not agree** with proposed changes

Comments: _____

Name: _____ Title: _____

Organization: _____

Address: _____

City, State, Zip: _____

Please **write** or **fax** or **respond using the Internet** to:

Address: Ms. Romunda Price,
Judicial Council, 455 Golden Gate Avenue,
San Francisco, CA 94102
Fax: (415) 865-7664 **Attention:** Romunda Price
Internet: www.courtinfo.ca.gov/invitationstocomment

DEADLINE FOR COMMENT: 5:00 P.M Tuesday, October 12, 2004

Your comments may be written on this *Response Form* or directly on the proposal or as a letter.
If you are not commenting directly on this sheet please remember to attach it to your comments
for identification purposes.

*Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects
Committee. All comments will become part of the public record of the council's action.*

Title	Dissolution of the Judicial Branch Budget Advisory Committee and Establishment of the Trial Court Budget Working Group (amend Cal. Rules of Court, rule 6.11 and 6.620 and repeal and adopt rule 6.45)
Summary	The establishment of a new working group will facilitate expeditious resolutions to critical trial court budget-related matters and provide broader representation of courts statewide.
Source	Finance Division, Administrative Office of the Courts
Staff	Tina Hansen Director, Finance Division 415-865-7951 tina.hansen@jud.ca.gov
Discussion	<p>Since January 2002, the Judicial Branch Budget Advisory Committee has advised the Judicial Council and the Administrative Director of the Courts on the preparation and development of, advocacy for, and implementation of the budget for the judicial branch and the relation of the budget to the strategic plan. This committee has not been involved in budget management, but has provided high-level tactical and process advice. The Trial Court Executive Management Budget Working Group was also established by the director of the Administrative Office of the Courts (AOC) Finance Division during this same time period for the purpose of fostering communications between trial court leaders and the AOC with regards to the trial court budget development process and priority needs, as well as to address regional and statewide budget-related challenges facing the courts.</p> <p>With both the Judicial Branch Budget Advisory Committee and the Trial Court Executive Management Budget Working Group in existence, however, there has been some duplication of efforts. Due to the broader representation and trial court focus, the Trial Court Executive Management Budget Working Group has been better able to meet the needs of the courts and staff in obtaining trial court input as well as keeping the courts informed of budget management and policy dialogue and decisions. Thus, there is a need to establish a new working group to avoid overlap, facilitate expeditious resolutions on critical trial court budget-related matters, and provide for broader representation of courts statewide.</p> <p>The proposed amendment of rule 6.45 of the California Rules of Court would dissolve the Judicial Branch Budget Advisory Committee and</p>

establish the Trial Court Budget Working Group (working group) to advise the Administrative Director of the Courts on trial court budget issues. Membership of the working group would be inclusive of trial court judicial officers and trial court executive officers and may include others selected by the Administrative Director of the Courts.

In carrying out their responsibilities, the working group would meet not less than twice a year to consider the following:

- Provide recommendations on trial court budget priorities to guide the development of the budget for the fiscal year presently being developed.
- Make recommendations on the allocation of trial court funding, to include methodologies for allocating trial court budget augmentations and reductions.
- Make recommendations, as appropriate, on budget policies and procedures.
- Further participate in the budget development process as directed by the Administrative Director of the Courts.

The working group would include no more than 30 members and consist of trial court representatives appointed annually to reflect the diversity of state trial courts, to include:

- Urban, suburban, and rural courts;
- Size and adequacy of courts' budgets; and
- Number of judgeships.

The chairs of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee would be considered as permanent appointments to the working group. In addition, four non-voting members would include the Director of the AOC Finance Division and each of the AOC regional administrative directors.

The Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee may make membership recommendations to the Administrative Director of the Courts.

Rules 6.11 and 6.620 of the California Rules of Court would be amended, and rule 6.45 would be repealed and re-adopted, effective January 1, 2005, to read as follows:

Rule 6.11. Executive and Planning Committee

(a) – (d)

(e) **[Planning]** The committee oversees the development and implementation of the council's long-range strategic plan by:

- (1) Recommending responses to forces and trends that are likely to affect the judiciary's operations and resources;
- (2) Planning and conducting the council's annual strategic planning meeting and related efforts; and
- (3) Collaborating with the Administrative Director of the Courts ~~and the Judicial Branch Budget Advisory Committee~~ regarding proposed judicial branch budgets, proposed allocation schedules, and related budgetary issues.

(f) **[Budget]** The committee must ensure that proposed judicial branch budgets and related budgetary issues are brought to the Judicial Council in a timely manner and in a format that permits the council to establish funding priorities in the context of the council's annual program objectives, statewide policies, and long-range strategic plan. The Administrative Director of the Courts ~~and the Judicial Branch Budget Advisory Committee~~ assists the Executive and Planning Committee in carrying out this function, as directed by the Executive and Planning Committee and as otherwise provided in these rules.

(g) * * *

~~Rule 6.45. Judicial Branch Budget Advisory Committee~~

~~(a) **[Area of focus]** The Judicial Branch Budget Advisory Committee advises the Judicial Council and the Administrative Director of the Courts on the preparation and development of, advocacy for, and implementation of the budget for the judicial branch and the relation of the budget to the strategic plan. The committee is not involved in budget management but provides high-level tactical and process advice. For purposes of this rule, the budget of the judicial branch consists of the budgets for the Supreme Court, the Courts of Appeal, the superior courts, the Judicial Council, and the Administrative~~

1 Office of the Courts. For purposes of this rule, the budget of the judicial
2 branch does not include the budgets of the Commission on Judicial
3 Performance and the Habeas Corpus Resource Center.
4

5 ~~(b) [Membership]~~ The committee consists of no more than nine members
6 appointed as follows:
7

8 ~~(1) One or two appellate court justices;~~
9

10 ~~(2) Three superior court judges, at least one of whom is from a court with~~
11 ~~fewer than 20 judges and two of whom are either present or recent~~
12 ~~presiding judges or judges with knowledge of, and experience and interest~~
13 ~~in public finance;~~
14

15 ~~(3) One appellate court clerk/administrator, who should not be from the same~~
16 ~~district as any of the appellate court justices;~~
17

18 ~~(4) Three superior court executives none of whom should be from the same~~
19 ~~court as any of the superior court judges.~~
20

21 ~~(c) [Membership recommendations]~~ In addition to the procedure provided by
22 rule 6.32, the following groups may make recommendations to the Executive
23 and Planning Committee concerning membership:
24

25 ~~(1) The Administrative Presiding Justices Advisory Committee for the~~
26 ~~appellate court justices and the appellate court clerk/administrator;~~
27

28 ~~(2) The Trial Court Presiding Judges Advisory Committee for the superior~~
29 ~~court judges; and~~
30

31 ~~(3) The Conference of Court Executives for the superior court executives.~~
32

33 ~~(d) [Duties and responsibilities]~~ The committee provides advice and advocacy to
34 ensure that the judicial branch budget as developed and adopted is consistent
35 with Judicial Council goals. In carrying out this duty, the committee must:
36

37 ~~(1) Provide recommendations to the Judicial Council on budget priorities to~~
38 ~~guide the development of the budget for the fiscal year presently being~~
39 ~~developed. The committee considers all relevant factors including:~~
40

41 ~~(A) Recommendations from other advisory committees on budget~~
42 ~~priorities;~~

- 1
2 (B) ~~Recommendations from the trial and appellate courts;~~
3
4 (C) ~~Input from the members of the public, including any designated trial~~
5 ~~court employee representative;~~
6
7 (D) ~~The fiscal condition of the state;~~
8
9 (E) ~~Other factors and trends affecting the judicial system and the state;~~
10 ~~and~~
11
12 (F) ~~The progress of the courts and other judicial branch agencies in~~
13 ~~meeting the goals established by the Judicial Council.~~
14
15 (2) ~~Make recommendations, as appropriate, on budget policies and~~
16 ~~procedures to the Judicial Council and the Administrative Office of the~~
17 ~~Courts.~~
18
19 (3) ~~Work with the Judicial Council and the Administrative Director of the~~
20 ~~Courts in advocating for the budget through the executive and legislative~~
21 ~~processes.~~
22
23 (4) ~~Further participate in the budget development process, as directed by the~~
24 ~~Administrative Director of the Courts.~~
25

26 **Rule 6.45. Trial Court Budget Working Group**
27

28 The Administrative Director of the Courts must appoint annually a Trial Court
29 Budget Working Group to advise the Director on trial court budget issues. The
30 working group must include trial court judicial officers and trial court executive
31 officers and may include others selected by the Administrative Director of the
32 Courts.
33

34 **Rule 6.620. Public access to administrative decisions of trial courts**
35

36 (a) * * *

37
38 (b) **[Budget priorities]** ~~The Judicial Branch Budget Advisory Committee~~
39 ~~(JBBAC)~~ Administrative Office of the Courts may request, on 30 court day's
40 notice, recommendations from the trial courts concerning judicial branch
41 budget priorities. ~~JBBAC's~~ The notice must state that if a trial court is to make
42 recommendations ~~to the committee~~, the trial court must also give notice, as

1 provided in subdivision (g), that interested members of the public may send
2 input to the ~~JBAC~~ Administrative Office of the Courts.

3
4 (c) - (k) * * *